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KARNATAKA LEGISLATIVE COUNCIL

THIRTY-EIGHTH SESSION

NOTIFICATION

No. 4188. —L. A., Bangalore Dated 26th July 1975.

Under Rule 63 of the Rules of Procedure and Conduct of Business in the *Karnataka* Legislative Council, the Chairman has been pleased to order the publication in the *Karnataka Gazette* of The Karnataka Land Revenue (Amendment,) Bill, 1975, together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE KARNATAKA LAND REVENUE

(AMENDMENT) BILL, 1975.

(L.C. Bill No. 3 of 1975)

A Bill further to amend the Karnataka Land Revenue Act, 1964.

WHEREAS it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) ;

BE IT enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows :—

1. Short title and commencement :—(1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 1975.

(2) It shall be deemed to have come into force on the tenth day of July 1975.

2. Amendment of section 18 :—In section 18 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) (hereinafter referred to as the principal Act), in subsection (1), for the words “Commissioner for Survey, Settlement and Land Records”, the words “Director of Survey, Settlement and Land Records” shall be substituted.

3. Amendment of section 49 :—In section 49 of the principal Act, —

(i) after the words “ the rules made thereunder ”,

the words, figures and brackets "and from every order made in exercise of the powers conferred by section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908)" shall be inserted ;

(ii) in clause (a), after the words "subordinate to the Assistant Commissioner", the words " whether or not invested with the powers of the Assistant Commissioner or the Deputy Commissioner ", shall be inserted ;

(iii) for clauses (c), (d), (e), (f) and (g), the following clauses shall be substituted, namely :—

" (c) if such an order is passed by the Deputy Commissioner, to the Tribunal ;

(d) if such an order is passed by the Divisional Commissioner, to the Tribunal ;

(e) if such an order is passed by a Survey Officer below the rank of an Assistant Superintendent of Land Records or the Assistant Superintendent for Settlement, to the Assistant Superintendent of Land Records or the Assistant Superintendent for Settlement, as the case may be ;

(f) if such an order is passed by a Survey Officer of the rank of an Assistant Superintendent of Land Records or Assistant Superintendent for Settlement, to the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, as the case may be ;

(g) if such an order is passed by the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, to the Director of Survey, Settlement and Land Records ;

(h) if such an order is passed by the Director of Survey, Settlement and Land Records, to the Tribunal"

4. Amendment of section 50.—In sub-section (1) of section 50 of the principal Act,—

(i) for clauses (b) and (bb), the following clauses shall be substituted, namely :—

“ (b) if such an order is passed by the Deputy Commissioner, to the Tribunal ;

(b1) if such an order is passed by the Assistant Superintendent for Settlement or the Assistant Superintendent of Land Records, to the Director of Survey, Settlement and Land Records ;

(b2) if such an order is passed by the Director of Survey, Settlement and Land Records, to the Tribunal ”

(ii) in clause (c), for the words “ Commissioner of Survey ”, the words “ Director of Survey ” shall be substituted.

5. Amendment of section 56.—In section 56 of the principal Act,—

(1) in sub-section (1)—

(i) after the words “ subordinate officers under this Act”, the words, figures and brackets “ or under section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) ” shall be inserted ;

(ii) the proviso shall be omitted ;

(iii) for the Explanation, the following Explanation shall be substituted, namely :—

“ *Explanation* :—For the purposes of this sub section,—

(i) Special Deputy Commissioner shall be deemed to be not subordinate to the Deputy Commissioner; and

(ii) all revenue officers shall be deemed to be subordinate to the Tribunal.

(2) sub-section (1A) shall be omitted ;

() in sub-section (2), for the words " State Government " in the two places where they occur the word " Tribunal " shall be substituted ;

4) for sub-section (3), the following sub-section shall be substituted, namely :—

“ 3) No application for revision under this section and no power of revision on such application shall be exercised against any order in respect of which an appeal under this Chapter has been preferred and no application for revision shall be entertained unless such application is presented within a period of four months from the date of such order :

Provided that any Revenue Officer or Survey Officer referred to in sub-section (1) may exercise power under this section in respect of any order against which no appeal has been preferred under this Chapter, at any time within three years from the date of the order sought to be revised.

Explanation.— In computing the period of limitation for the purpose of this sub-section, any period during which any proceeding under this section is stayed by an order or an injunction by any court shall be excluded. ”

6. Transfer of appeals etc.—Notwithstanding anything contained in sections 49, 50 or 56 of the principal Act as in force before the date of commencement of this Act or in section 6 of the Karnataka General Clauses Act, 1899 —

(a) appeals and proceedings connected therewith and all proceedings in revision relating to grant of lands pending before the State Government or the Divisional Commissioner immediately before the date of commencement of this Act shall with effect from that date, stand transferred to the Tribunal and the said appeals and proceedings shall be disposed of by the Tribunal as if the said appeals and proceedings had been preferred or commenced before the Tribunal under the principal Act as amended by this Act ;

(b) in respect of an order or proceedings under the principal Act relating to the grant of land disposed of by the Deputy Commissioner or the Divisional Commissioner immediately before the date of commencement of this Act no appeal or revision shall lie to the Divisional Commissioner or the State Government, as the case may be, but an appeal or revision shall lie to the Tribunal as if the Tribunal were the appellate or revisional authority under the principal Act, and the appeal or revision shall be disposed of by the Tribunal accordingly.

Explanation.—In this section, the expression “Divisional Commissioner” and “Tribunal” shall have the same meaning as in the principal Act.

7. Repeal of Karnataka Ordinance No. 7 of 1975.—The Karnataka Land Revenue (Amendment) Ordinance, 1975 (Karnataka Ordinance No. 7 of 1975) is hereby repealed:

Provided that any thing done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Under the Karnataka Land Revenue Act, 1964 as amended in 1970, the Government of Karnataka is the highest appellate and revisional authority in respect of land grant cases. The work at Government level on this account has shown increase and it has not been possible to dispose of this work at an adequate rate and consequently pendency of cases has been high.

The highest appellate authority in revenue matters in general is the K.R.A.T. Bangalore. The work of the Tribunal which was very heavy some three to four years back has since come down with the disposal of the bulk of the appeals under Inam Abolition Acts and removal, by order of the High Court, the second appellate power of the Tribunal under the Motor Vehicles Act.

Government thought it expedient in the public interest to transfer the appellate and revisional powers in respect of Land Grant Cases also to the Karnataka Revenue Appellate Tribunal.

Hence the Karnataka Land Revenue (Amendment) Ordinance, 1975 was issued.

This Bill seeks to replace the said Ordinance.

Explanatory Statement under rule 67(1) of the Rules of Procedure and Conduct of Business in the Karnataka Legislative Council.

Sections 18, 49, 50 and 56 of the Karnataka Land Revenue Act, 1964 are amended by Karnataka Land Revenue (Amendment) Ordinance, 1975 which came into force with effect from 10th July 1975.

The amendments relate to the transfer to the Karnataka Revenue Appellate Tribunal, Bangalore, the appellate and revisional powers in respect of Land Grant cases vested in Government under the Karnataka Land Revenue Act in order to deal with the heavy pendency of appellate and revision work and to provide sufficient work to the Karnataka Revenue Appellate Tribunal and incidentally to the change of designation of Commissioner of Survey Settlement and Land Records to Director of Survey, Settlement and Land Records.

Since there was no immediate proposal of the Legislature being in session the Ordinance was promulgated in the public interest.

N. HUTCHAMASTHY GOWDA.

Te. HANUMANTHAPPA,
Secretary.

ANNEXURE

EXTRACT FROM THE KARNATAKA LAND REVENUE ACT, 1964

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18. *Survey Officers*.—(1) For purposes of survey, assessments and settlements of land revenue and the settlements of boundaries and connected matters provided for in this Act, the State Government, may, by notification appoint such officers as it may deem necessary. Such officer shall be designated “Commissioner for Survey, Settlement and Land Records”, “Deputy Commissioner of Land Records”, “Deputy Commissioner for Settlement”, “Superintendent of Land Records” “Superintendent for Settlement, Assistant Superintendent for Settlement, “Assistant Superintendent of Land Records”. “Settlement Officers” and “Assistant Settlement Officers”, or otherwise as the State Government may deem fit. Each such officer shall be subordinate to such officer or officers as the State Government directs.

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49. *Appeals from original orders*.—Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act or the rules made thereunder,—

(a) If such an order is passed by a Revenue Officer subordinate to the Assistant Commissioner, to the Assistant Commissioner;

(b) if such an order is passed by the Assistant Commissioner whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;

(c) if such an order is passed by the Deputy Commissioner—

(i) to the Divisional Commissioner, in the case of an order made in respect of grant of lands; and

(ii) to the Tribunal, in all other cases;

(d) if such an order is passed by the Divisional Commissioner—

Officer not inferior in rank to a Superintendent of Land Records or an Assistant Settlement Officer in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate officer under this Act for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of the proceedings of such officer.

Provided that the Tribunal shall not have power to call for and examine the record of any inquiry or proceedings relating to grant of lands.

Explanation.—For the purpose of this sub-section, all revenue officers shall be deemed to be subordinate to the Tribunal.

(1A) The State Government may call for and examine the record of any inquiry or proceedings relating to grant of lands of any subordinate officer under this Act for the purpose of satisfying itself as to the legality or propriety of the proceedings of such officer.

(2) If in any case, it shall appear to the State Government or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled, or reversed the State Government or such officer may pass such order, as may be deemed fit ;

Provided that no order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them of being heard.

(3) No application for revision under this section shall be entertained and no power of revision on such application shall be exercised against any order from which an appeal lies under this Chapter and no application is presented within a period of four months from the date of such order.

(i) to the State Government, in the case of an order made in respect of grant of lands ; and

(ii) to the Tribunal, in all other cases ;

(e) if such an order is passed by any Survey Officer subordinate to the Deputy Commissioner of Land Records or by any Settlement Officer subordinate to the Deputy Commissioner for Settlement, to the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement, as the case may be ;

(f) if such an order is passed by the Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement to the Commissioner for Survey, Settlement and Land Records ;

(g) if such an order is passed by the Commissioner, for Survey, Settlement and Land Records, to the Tribunal.

50. Second Appeal.—(1) A second appeal shall lie against any order passed in a first appeal under section 49.—

(a) if such an order is passed by the Assistant Commissioner, to the Deputy Commissioner ;

(b) if such an order is passed by the Deputy Commissioner—

(i) to the Divisional Commissioner, in the case of an order made in respect of grant of lands ; and

(ii) to the Tribunal, in all other cases ;

(bb) if such an order is passed by the Divisional Commissioner—

(i) to the State Government, in the case of an order made in respect of grant of lands ; and

(ii) to the Tribunal in all other cases ;

(c) if such an order is passed by the Deputy Commissioner of Land Records or Deputy Commissioner for Settlement or by the Commissioner of Survey, Settlement and Land Records to the Tribunal.

56. Power of Revision.—(1) The Tribunal, any Revenue Officer not inferior in rank to an Assistant Commissioner, and any Survey